**In the Claims:**

This listing of the claims replaces all prior versions and listing of the claims.

1. (Previously Presented) A method for controlling the periodic data transfer between a first computer processor and a second computer processor, wherein the first computer processor and the second computer processor comprise a network system, the method comprising:

transferring data between the first and second computer processor based on an impact of the transfer on a dynamically determined measure of performance, wherein transferring data between the first and second computer processor based on an impact of the transfer on a measure of performance comprises,

monitoring a real time availability of a system resource, and

transferring data between the first and second computer processor based on a comparison of the availability of a system resource to a predetermined threshold; and

transferring data between the first and second computer processor if a predefined maximum time between transferring data has elapsed irrespective of the availability of the system resource.

2.-3. (Canceled).

4. (Original) The method of Claim 1, further comprising delaying the transfer of data until at least a predefined minimum time has elapsed after a prior data transfer.

5. (Previously Presented) The method of Claim 1, further comprising sending a resource availability request from the first computer processor to the second computer processor to determine resource availability.

6. (Original) The method of Claim 1, wherein transferring data between the first and second computer processor further comprises replicating data.

7. (Original) The method of Claim 1, wherein transferring data between the first and second computer processor further comprises backing up data.

8. (Previously Presented) The method of Claim 1, wherein the system resource is usage of the first and/or second computer processor.

9. (Previously Presented) The method of Claim 1, wherein the system resource is memory usage of the first and/or second computer processor.

10. (Previously Presented) The method of Claim 1, wherein the system resource is central processor unit (CPU) usage of the first and/or second computer processor.

11. (Previously Presented) The method of Claim 1, wherein the system resource is an available bandwidth on a network connection.

12. (Previously Presented) A computer program product for controlling data transfer between a first computer processor and a second computer processor, wherein the first computer processor and the second computer processor comprise a network system, comprising:

a computer readable medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code which transfers data between the first and second computer processor based on an impact of the transfer on a dynamically determined measure of performance, wherein the computer readable program code which transfers data between the first and second computer processor based on an impact of the transfer on a measure of performance comprises,

computer readable program code which monitors a real time availability of a system resource, and

computer readable program code which transfers data between the first and second computer processor based on a comparison of the availability of a system resource to a predetermined threshold; and

the computer readable program code further comprising computer readable program code which transfers data between the first and second computer processor if a predefined maximum time between transferring data has elapsed irrespective of the availability of the network resource.

13.-14. (Canceled)

15. (Original) The computer program product of Claim 12, further comprising computer readable program code which delays data transfer until at least a predefined minimum time has elapsed after a prior data transfer.

16. (Previously Presented) A system for controlling data transfer between a first computer processor and a second computer processor, wherein the first computer processor and the second computer processor comprise a network system, comprising:

means for transferring data between the first and second computer processor based on an impact of the transfer on a dynamically determined measure of performance, wherein the means for transferring data between the first and second computer processor based on an impact of the transfer on a measure of performance comprises,

means for monitoring a real time availability of a system resource, and

means for transferring data between the first and second computer processor based on a comparison of the availability of a system resource to a predetermined threshold; and

means for transferring data between the first and second computer processor if a predefined maximum time between transferring data has elapsed irrespective of the availability of the network resource.

17.-18. (Canceled).

19. (Original) The system of Claim 16, further comprising means for delaying data transfer until at least a predefined minimum time has elapsed after a prior data transfer.

20. (Canceled)